

STATE OF Ohio)
)
COUNTY OF Franklin)

I, Emily White, being first duly sworn as if upon oath, do swear and affirm as follows:

1. I am not a minor, I have personal knowledge of the facts in this affidavit, and I am competent to testify to these facts.
2. I am an attorney employed by the Dann Law Firm, Co. LPA, which is representing Defendant Tracy Carter in a foreclosure case, *Partners for Payment Relief DE IV, LLC v. Tracy Carter*, Franklin County Common Pleas, Case No. 16 CV 008212.
3. On February 10, 2017, in connection with my firm's representation of Ms. Carter, I served Defendant's first set of written discovery requests to Plaintiff, including requests for admission, requests for production of documents, and interrogatories, attached hereto as Exhibit A.
4. The discovery requests included a request to inspect the original Note Plaintiff sought to enforce in its foreclosure complaint.
5. On February 28, 2017, I inspected the original Note in a conference room at the law office of Plaintiff's attorney, Daniel Barham, in Lancaster Ohio.
6. During the inspection, Mr. Barham presented the Note in a manila file folder containing both the Note and Mortgage, along with mortgage assignments, which were mixed together.
7. The Note itself consisted of two loose pages, not bound together, and identified the lender as Homecomings Financial Network, Inc.
8. On the back of the second page of the Note there were two indorsements.
9. One was a specific indorsement by the original lender, Homecomings Financial Network Inc., to Residential Funding Corporation, located at the bottom of the

page.

10. Above the first indorsement was a second specific indorsement from Residential Funding Corporation to "U.S. Bank National Association as Trustee."
11. No additional indorsements were on the Note.
12. There was no allonge affixed to the Note or included in the manila file folder containing the Note.
13. Mr. Barham did not produce any further documents and did not indicate that the Note was incomplete.
14. At my request, Attorney Daniel Barham made a photocopy of each of the documents I inspected.
15. A true and correct copy of the original Note I inspected on February 28, 2017 is attached as Exhibit B.
16. On March 21, 2017, having received no response to the written discovery requests, I sent an email to Daniel Barham following up and seeking a response.
17. Mr. Barham advised that his client was reviewing the discovery requests and a response would be provided soon, but he did not request any extension of time to respond.
18. On March 30, 2017, Plaintiff's attorney served a partial response to the first written discovery requests, attached hereto as Exhibit C.
19. The March 30, 2017 responses indicated that responsive documents would be produced, but no responsive documents were provided with the response. The responses also contained a number of unreasonable objections.
20. On April 3, 2017, I sent a letter to Daniel Barham to request that the documents be produced, and challenging a number of incomplete responses and unreasonable objections, attached hereto as Exhibit D.
21. On April 5, 2017, Plaintiff served a supplemental response to the request for production of documents, attached hereto as Exhibit E.
22. In its written response to Defendant's request to produce the Note, Plaintiff stated that "Plaintiff has produced the original Note and Mortgage for Inspection by Emily White."
23. Plaintiff also produced two new documents labeled as allonges to the Note and

- which contained specific indorsements by Ocwen Loan Servicing LLC on behalf of U.S. Bank National Association as Trustee and a securitized trust.
24. On April 12, 2017, I prepared and served a second set of written discovery requests, including requests for admission and interrogatories regarding the newly produced allonges, attached hereto as Exhibit F.
 25. On May 15, 2017, Plaintiff served a response to Defendant's second written discovery requests, attached hereto as Exhibit G.
 26. In its response to the requests for admission, Plaintiff denied that the allonges had not been attached to the Note at the time the Complaint was filed.
 27. In response to an interrogatory regarding the location of the allonges, Plaintiff responded that the allonges had been located in Plaintiff's offices until May 10, 2017, when they were mailed to Plaintiff's counsel in Ohio.
 28. On May 23, 2017, Plaintiff's legal counsel sent a legal intern to my Columbus office with the allonges for inspection and copying.
 29. The allonges were contained within a manila envelope, along with the Note and Mortgage.
 30. The two pages of the Note were stapled together, and the two allonges were clipped to the Note with a purple paperclip.
 31. To date, Plaintiff and Mr. Barham have provided no explanation for why the allonges were not attached to Note when it was produced for inspection on February 28, 2017.
 32. To date, Plaintiff and Mr. Barham have provided no explanation for when and how the allonges became attached to Note before it was presented for inspection on May 23, 2017.
 33. To date, Plaintiff has failed to supplement or correct any of its prior discovery responses.
 34. To date, Plaintiff has failed to provide a notarized verification page for any of its interrogatory responses.
 35. I have made every effort to resolve this matter without Court intervention, but due to the inconsistent positions and misleading representations of Plaintiff's counsel and Plaintiff regarding the authenticity and location of the Note and allonges, I believe that a motion for sanctions is both appropriate and

necessary.

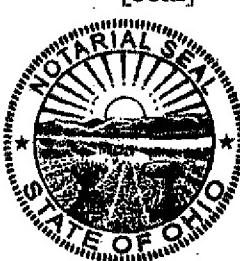


Emily White

Sworn to and subscribed before me by on May 24, 2017



Amanda M. Barron
Notary Public
State of



Amanda M. Barron
Notary Public, State of Ohio
My Commission Expires 01-16-2019